



SPW

Attorney Docket No.: **60188-726**  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	
	:	Customer No.20277
Shigeo YOSHII, et al.	:	
	:	Confirmation No.: 7252
Serial No.: 10/753,330	:	
(DIV of SN: 09/895,213)	:	
	:	Group Art Unit: 2826
Filed: January 9, 2004	:	Examiner: JOHANNES P. MONDT
	:	
For: SEMICONDUCTOR LIGHT-EMITTING DEVICE AND		
APPARATUS FOR DRIVING THE SAME		

**ELECTION UNDER 35 U.S.C. § 121**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed  
March 4, 2005, having a shortened statutory period for response set to expire  
April 4, 2005, wherein the Examiner required restriction between the  
following Groups:

- |          |   |                                                                                    |
|----------|---|------------------------------------------------------------------------------------|
| Group I  | - | Claims 1-10, drawn to a semiconductor light-emitting device; and                   |
| Group II | - | Claim 11, drawn to an apparatus for driving a semiconductor light-emitting device. |

The Examiner further restricted the application into the following distinct *Species*:

- |                  |   |                                                                                                      |
|------------------|---|------------------------------------------------------------------------------------------------------|
| <i>Species 1</i> | - | Figures 1-2, previously elected in application SN: 09/985,213, etc.;                                 |
| <i>Species 2</i> | - | Figures 4-6, drawn to a pnp light emitting device with n-type base as the only light-emitting layer; |

- Species 3* - Figure 7, drawn to a npn light emitting device with p-type base as the only light emitting layer; and
- Species 4* - Figure 8 with separate lightly doped semiconductor layer between first and third semiconductor layers.

Applicants elect Group I, claims 2-10, and *Species 2*, with claims 2-7 readable thereon, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims, which the Examiner has indicated is patentably distinct. Applicants would also like to bring to the attention of the Examiner that claim 1 was canceled upon filing the above-identified Divisional application.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 4/4/05

By: 

Michael E. Fogarty  
Registration No.: 36,139

600 13<sup>th</sup> Street, N.W., Suite 1200  
Washington, D.C. 20005-3096  
Telephone: 202 756 8000  
Facsimile: 202 756 8087